Decision for dispute CAC-UDRP-108238

Case number	CAC-UDRP-108238
Time of filing	2025-12-15 10:51:55
Domain names	moonbootslovenia.com, moonboot-romania.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	TECNICA GROUP S.P.A.

Complainant representative

Organization	Convey srl

Respondents

Name	Heinrich Bohm
Name	Lisa schonfeld

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and which relate to the disputed domain names.

IDENTIFICATION OF RIGHTS

The Complainant is the owner of several trademark registrations. In particular TECNICA GROUP S.p.A. owns:

a) International trademark registration MOON BOOT no. 438194, registered on May 25, 1978 and duly renewed for class 25;

b) International trademark registration MOON BOOT no. 917027, registered on January 11, 2007 and duly renewed for classes 18 and 25;

c) International trademark registration MOON BOOT (dev.) no. 1774755, registered on December 27, 2023 for class 25;

d) EUTM registration MOON BOOT no. 516880, filed on April 14, 1997, registered on November 18, 1999 and duly renewed for class 25.

e) EUTM registration MOON BOOTS no. 18669427, filed on March 10, 2022 and registered on July 6, 2022 for classes 9, 18 and 25.

FACTUAL BACKGROUND

The Complainant is an Italian sports equipment manufacturer active in the sector of footwear and winter sports equipment. The Complainant created a MOON BOOT branded snow boot as après-ski wear in the early 1970s and since then the boots have sold 25 million pairs. The boot is constructed with a thin rubber outsole and cellular rubber midsole covered by nylon fabrics and using polyurethane foams. The Complainant's founder, i.e. Giancarlo Zanatta, after watching the lunar landing and being inspired by the shape and technology of the astronauts' boots, drew sketches and then began to design and develop the original MOON BOOT. Over the years, the Complainant has collaborated with a roster of big-name brands, with the most recent being GCDS and the list includes Jeremy Scott, Moncler, MSGM, Jimmy Choo, Swarovski and Chanel. On May 21, 2009, during the 62ND International Cannes Film Festival in Cannes, France, guests wore MOON BOOT while attending the "In The Beginning" Premiere held at the Palais Des Festivals. Some celebrities wear regularly MOON BOOT as Claudia Schiffer, Kim Kardashian, Dua Lipa, Victoria's Secret Models. The Complainant owns several trademark registrations for MOON BOOT and, in order to protect and promote its brand also on the Internet, it registered several domain names consisting of or comprising the trademark MOON BOOT under several different TLDs, including <moonboot.com>, <moonboot.it>, < moonboot.cn > and < moonboot.eu >. In addition, the Complainant's website and Social Media accounts generate a significant number of visits by Internet users every day and are used by the Complainant to promote and also sell online its products.

The domain names in dispute <moonbootslovenia.com> and <moonboot-romania.com> were both registered on November 10, 2022.

The Complainant notes that the above domain names share many similarities and in particular: (i) same Hosting Provider: Team Internet Ag; (ii) same Registrar: Hosting Concepts B.V.; (iii) same date of registration, i.e. November 10, 2022; (iv) sharing the presence in each domain name of country names after the trademarked denomination "moonboot"; (v) same products offered for sale; (vi) same templates of the websites corresponding to the disputed domain names. Therefore, the Complainant requests the consolidation in a single UDRP proceeding.

As soon as the Complainant became aware of the Respondent's registration and use of the domain names in dispute, it instructed its representative to address to the Respondent cease and desist letters in order to notify of the infringement of the Complainant's trademark rights, requesting the immediate cease of any use and the transfer to the Complainant of the disputed domain names. Therefore, two notifications were sent to the Respondent on November 27, 2025, but the Respondent never replied to the Complainant's requests.

According to the Complainant, the disputed domain names are similar to the Complainant's MOON BOOT trademark since both incorporate the whole of the Complainant's trademark MOON BOOT and the fact that they include a non-distinctive element such as geographical terms (i.e. "romania" and "slovenia"), and the generic Top-Level Domain .com does not affect the confusing similarity.

In addition, the Complainant asserts that the Respondent is not a licensee, authorized agent of the Complainant or in any other way authorized to use Complainant's trademarks. The Complainant also notes that the Respondent, according to the available information, is not commonly known by the disputed domain names. The Complainant also considers that the disputed domain names have been redirected by the Respondent to websites with similar layouts where the Complainant's trademarks MOON BOOT are published and prima facie counterfeit MOON BOOT branded products are offered for sale and that said use of the disputed domain names is not indicative of rights or legitimate interests.

Finally, in the Complainant's view, given the distinctiveness of the Complainant's trademarks and its reputation, it is reasonable to infer that the Respondent has registered and used the domain names with full knowledge of the Complainant's trademark. Moreover, since the disputed domain names redirect to websites where the Complainant's trademark is misappropriated and prima facie counterfeit MOON BOOT branded products are offered for sale, the use of the disputed domain names is clearly in bad faith according to the Complainant.

PARTIES CONTENTIONS

The Complainant´s contentions are summarised above.

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant has, to the satisfaction of the Panel, shown the Respondent to have no rights or legitimate interests in respect of the disputed domain name (within the meaning of paragraph 4(a)(ii) of the Policy).

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name has been registered and is being used in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy).

PROCEDURAL FACTORS

Consolidation of Respondents.

According to Article 3(c) of Rules for Uniform Domain Name Dispute Resolution Policy ("Rules"), the Complaint may relate to more than one domain name, provided that the disputed domain names are registered by the same domain-name holder. According to Article 10(e) of Rules a Panel shall decide a request by a Party to consolidate multiple domain name disputes in accordance with the Policy and these Rules.

The Complainant requests to consolidate its claims against the registrants of the disputed domain names notwithstanding that the registrant details are different, on the grounds that both the disputed domain names are subject to common control and that it is equitable and procedurally efficient to consolidate the proceedings. The Complainant relies on the following factors that both the disputed domain names have in common, namely: (i) same Hosting Provider: Team Internet Ag; (ii) same Registrar: Hosting Concepts B.V.; (iii) same date of registration, i.e. November, 10, 2022; (iv) sharing the presence in each domain name of country names after the trademarked denomination "moonboot"; (v) same products offered for sale; (vi) same templates of the websites corresponding to the disputed domain names.

In the light of the above Complainant considerations, and notwithstanding the clear existence of two different registrants (Respondents), the Panel considers that both the disputed domain names are under the same common control.

In previous cases similar to the one at hand the Panel has decided to order the consolidation (see, for example, Tod's SPA v Web Commerce Communications Limited; CAC Case No. 103815 and D. Jacobson & Sons Limited v Marcel Baum; CAC Case No. 104399) and the Panel therefore agrees to the Complainant’s request, even considering that, due to the circumstances of the present case, it is equitable and procedurally efficient to consolidate the proceedings.

PRINCIPAL REASONS FOR THE DECISION

Paragraph 4(a) of the Policy provides that to obtain the transfer of the domain name, the complainant must prove that each of the following elements is present:

(i) the domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights;

(ii) the respondent has no rights or legitimate interests in respect of the domain name; and

(iii) the domain name has been registered and is being used in bad faith.

1) The Complainant has demonstrated rights through registration and use on the MOON BOOT trademark. The Panel finds that the disputed domain names are confusingly similar to the MOON BOOT trademark of the Complainant. Actually, both the disputed domain names incorporate said trademark of the Complainant in its entirety. This is sufficient to establish confusing similarity (Magnum Piering, Inc. v. The Mudjackers and Garwood S. Wilson, Sr., WIPO Case No. D2000-1525). Furthermore, the addition of geographic terms (slovenia/romania) does not prevent a finding of confusing similarity between the disputed domain names and the MOON BOOT trademark. In addition, as a mere technical part of the disputed domain name, the gTLD “.com” may be disregarded in determining confusing similarity. Accordingly, the Complainant has, to the satisfaction of the Panel, shown that the disputed domain names are confusingly similar to trademark in which the Complainant has rights. The Complainant therefore succeeds on the first element of the Policy.

2) The Complainant demonstrated that both the websites to which the disputed domain names are linked allegedly offer for sale authentic merchandise bearing the MOON BOOT trademark. The Complainant clearly considers that Respondent has the hope and the expectation that Internet users looking for the brand MOON BOOT will be directed to the websites corresponding to the disputed domain names. The Panel finds that said activity, of course, does not provide a legitimate interest in the disputed domain names under the Policy. Furthermore, the Complainant provided prima facie evidence that the Respondent does not have rights or legitimate interests in respect of the disputed domain names as it was never authorized to use the MOON BOOT trademark by the Complainant. The Respondent, in the absence of any Response, has not shown any facts or element to justify prior rights or legitimate interests in the disputed domain names. The Complainant therefore succeeds on the second element of the Policy.

3) Paragraph 4(b) of the Policy provides a non-exclusive list of circumstances that evidence registration and use of a domain name

in bad faith. Any one of the following is sufficient to support a finding of bad faith:

(i) circumstances indicating that the Respondent has registered or acquired the disputed domain names primarily for the purpose of selling, renting, or otherwise transferring the disputed domain names registration to the Complainant who is the owner of the trademark or service mark or to a competitor of that the Complainant, for valuable consideration in excess of the Respondent's documented out-of-pocket costs directly related to the disputed domain name; or

(ii) the Respondent has registered the disputed domain names in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the Respondent has engaged in a pattern of such conduct; or

(iii) the Respondent has registered the disputed domain names primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the disputed domain names, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website or location or of a product or service on the Respondent's website or location.

The Respondent registered the disputed domain names decades after the use and registration of the MOON BOOT mark by the Complainant. In consideration of the reputation achieved by MOON BOOT it is clear that the Respondent was surely aware of the Complainant trademark when he/she registered the domain names in dispute. Moreover, the Respondent appears to have attempted to benefit commercially from the appropriation of the MOON BOOT mark in the disputed domain names. The use of the famous mark MOON BOOT, well-known worldwide in the après-ski shoes sector, for selling après-ski shoes, clearly indicates that the disputed domain names were chosen by the Respondent to take advantage of the Complainant´s marks reputation. This finding leads to the obvious conclusion that the disputed domain names have been registered in bad faith (Research In Motion Limited v. Privacy Locked LLC/Nat Collicot - WIPO Case No. D2009-0320; The Gap, Inc. v. Deng Youqian - WIPO Case No. D2009-0113; AXA S.A. v. P.A. van der Wees - WIPO Case No. D2009-0206; BHP Billiton Innovation v. Ravindra Bala - WIPO Case No. D2008-1059).

The Panel also finds that, by linking the disputed domain names to websites offering for sale alleged MOON BOOT items, the Respondent has intentionally attempted to attract Internet users to its websites for commercial gain, by causing a likelihood of confusion with the trademark MOON BOOT as to the source, sponsorship, affiliation or endorsement of its websites and the products promoted therein. The conduct described above clearly falls within paragraph 4(b)(iv) of the Policy (Triumph International Vietnam Ltd v. Tran Quoc Huy - WIPO Case No. D2017-0340).

Finally, the Complainant insists that bad faith has to be considered also due to the Respondent's lack of reaction to the cease-and-desist letter sent by the Complainant. In this respect the Panel confirms that the Respondent's failure to respond to the Complainant contentions and as a result to provide any evidence whatsoever of any good faith registration and use of the disputed domain names is additional indication of bad faith

In consideration of the above, the Panel concludes that the Respondent registered and is using the disputed domain names in bad faith. The Complainant therefore succeeds also on the third element of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

AND THE DISPUTED DOMAIN NAME(S) IS (ARE) TO BE

1. **moonbootslovenia.com**: Transferred
2. **moonboot-romania.com**: Transferred

PANELLISTS

Name	**Guido Maffei**

DATE OF PANEL DECISION 2026-01-19

Publish the Decision